

DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATIONS

Attorney Docket No.7535.00004

As below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **FACILITIES MANAGEMENT SYSTEM WITH SERVER-INDEPENDENT ENCLOSURES**, the specification of which is attached hereto unless the following is checked:

(X) was filed on August 29, 2003, as United States Application Number 10/651,846.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as in accordance with 37 CFR § 1.56.

**POWER OF ATTORNEY:** I hereby appoint the attorneys and agents of the law firm Quirk & Tratos, Customer No. 29747, including the below-listed attorneys, to prosecute this application and any International application under the Patent Cooperation Treaty based on it and to transact all business in the U.S. Patent and Trademark Office connected with either of them in accordance with instructions from the assignee of the entire interest in this application; or from the first or sole inventor named below in the event the application is not assigned.

R. Richard Costello	(Reg. No. 51,583)	Edward J. Quirk	(Reg. No. 23,018)
Carrie E. Peterman	(Reg. No. 52,113)	Sarah Barone Schwartz	(Reg. No. 40,284)
Rob L. Phillips	(Reg. No. 40,305)		

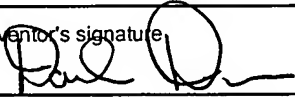
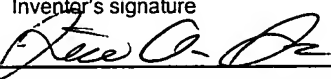
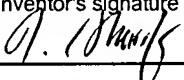
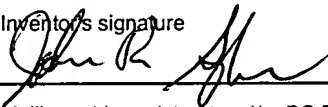
The authority under this Power of Attorney of each person named above shall automatically terminate and be revoked upon such person ceasing to be a member or associate of or of counsel to that law firm.

**DIRECT TELEPHONE CALLS TO:** : Sarah Barone Schwartz at 702-792-3773

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon,

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATIONS

Full name of sole or first inventor David Duncan	Inventor's signature 	Date 5/14/04	Citizenship USA
Residence (city, state and country) Edmonds, Washington, USA	Mailing address (street and/or PO Box), city, state, zip code, country) 22516 92 <sup>nd</sup> Avenue N, Edmonds, WA 98020, USA		
Full name of second joint inventor Timothy A. Johns	Inventor's signature 	Date 5/18/04	Citizenship USA
Residence (city, state and country) Lynnwood, Washington, USA	Mailing address (street and/or PO Box), city, state, zip code, country) 7219 193 <sup>rd</sup> Place SW, Lynnwood, WA 98115, USA		
Full name of third joint inventor Ray Sharif	Inventor's signature 	Date 5/18/04	Citizenship USA
Residence (city, state and country) Lake Forest Park, Washington, USA	Mailing address (street and/or PO Box), city, state, zip code, country) 19205 55 <sup>th</sup> Avenue NE, Lake Forest Park, WA 98115, USA		
Full name of fourth joint inventor John Seghers	Inventor's signature 	Date 5/14/04	Citizenship USA
Residence (city, state and country) Woodinville, Washington, USA	Mailing address (street and/or PO Box), city, state, zip code, country) 16536 Mink Road NE, Woodinville, WA 98072, USA		

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATIONS

## Title 37, Code of Federal Regulations, § 1.56

### **SECTION 1.56. DUTY TO DISCLOSE INFORMATION MATERIAL TO PATENTABILITY**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98.\* However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

- (i) Opposing an argument of unpatentability relied on by the Office; or
- (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

\* §§1.97(b)-(d) and 1.98 relate to the timing and manner in which information is to be submitted to the Office.

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